TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Delegation Request, DG 12-1-04 ICE Plat, Flamingo Stor-All Ltd./Ruden,

McClosky, Smith, Schuster & Russell, P.A., 12451 Orange Drive/Generally

located at the northwest corner of Flamingo Road and Orange Drive

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DELEGATION REQUEST DG 12-1-04 TO CHANGE THE RESTRICTIVE NOTE ON THE ICE PLAT; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The request is to amend the ICE Plat in order to provide Flamingo Stor-All, Ltd. a delineated parcel on the plat. Two (2) previous attempts have failed because the owner was unable to obtain the authorization signatures from all property owners within the plat prior to the expiration of the approval by the Broward County Board of County Commissioners. Now, Broward County has an alternate plat note amendment process that can occur without the authorization signatures from all property owners within the platted area.

When the owner acquired the 3.315 acre site, the development rights to 100,000 square feet of commercial use were also purchased. Because the plat is limited to commercial use and the owner was unable to amend the plat to match the use, Broward County required that impact fees for the gross building area, which includes canopies and overhangs, of 92,685 square feet of commercial use be paid to obtain a building permit. Self-storage facility use has a lower traffic generation rate than commercial use, and when the amount commercial use is converted to self-storage use, the result is that the owner has a 29,574 square foot surplus in commercial development rights.

By delineating the parcel, the owner Flamingo Stor-All Ltd. will be free of any encumbrances associated with the remainder of the ICE Plat, and for the purposes of development rights, the ICE Plat will consist of two (2) parcels; Parcel A and Parcel A-1. The owner acknowledges that the parcel cannot support an additional 29,574 square feet of commercial use and has only made this request to retain development rights in the event of future redevelopment of the site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Planning Report

RESOLUTION NO.	
RESOLUTION NO.	

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DELEGATION REQUEST DG 12-1-04 TO CHANGE THE RESTRICTIVE NOTE ON THE ICE PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the ICE Plat was approved by the Town Council of the Town of Davie on April 2, 1996; and

WHEREAS, said plat was recorded in the official records of Broward County in Plat Book 165, Page 21; and

WHEREAS, the owner of Flamingo Stor-All, Ltd. desires to amend the restrictive note on said plat; and,

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

<u>SECTION 1</u>. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the ICE Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

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PASSED AND ADOP	ΓED THIS DA	Y OF, 2005.
		MAYOR/COUNCILMEMBER
Attest:		
TOWN CLERK		
APPROVED THIS	DAY OF	, 2005.

Application: DG 12-1-04 ICE Plat

Exhibit "A"

Original Report Date: 3/17/05

TOWN OF DAVIE

Development Services Department Planning and Zoning Division Staff Report and Recommendation

Applicant Information

Owner:

Name: Flamingo Stor-All Ltd.

Address: 1375 West Hillsboro Boulevard

City: Deerfield Beach, FL 33442

Phone: (954) 421-7888

Agent:

Name: Ruden, McClosky, Smith, Schuster & Russell, P.A.

Address: 200 East Broward Boulevard City: Fort Lauderdale, FL 33301

Phone: (954) 527-2409

Background Information

Application History: No deferrals have been requested.

Application Request: Approval of the resolution to authorize an amendment the

restrictive note on the ICE Plat **FROM**: "This plat is restricted to 300,000 square feet of Commercial use"; **TO**: "This plat is restricted to 200,000 square feet of Commercial use on Parcel A; and 92,685 square feet of Self-Storage use and 29,574 square feet of

Revisions:

Commercial Use on Parcel A-1".

Address/Location: 12451 Orange Drive/Generally located at the northwest corner of

Flamingo Road and Orange Drive

Future Land Use Plan

Map Designation: Commercial

Zoning: B-3, Planned Business Center District

Parcel Size: 27.499 acres (1,197,859 square feet)

Existing/Proposed Use: Commercial use

Surrounding Uses:

North: Grove Creek Estates

South: Orange Drive, Linear Park

East: Vacant

West: Grove Creek Estates

Surrounding Zoning:

North: A-1, Agricultural District

South: B-3, Planned Business Center District

East: A-1, Agricultural District West: A-1, Agricultural District

Zoning History

Surrounding Land

Commercial

Residential (1 DU/AC)

Recreation/Open Space

Residential (1 DU/AC)

Use Plan Map Designations:

Zoning, Variance, and Vacation History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the "Pasadena Imagination Farms" and "ICW" Agreement. The agreement entitles the owner to use Broward County parking requirements, allows the amount of water surface in open space to be 25 percent, and allows parcels to be developed with 20% minimum open space.

The rezoning, ZB 11-2-95, changing 28 acres of the site from: A-1, Agricultural District to: B-3, Planned Business Center District was approved on November 2, 1995.

The rezoning, ZB 11-2-99, changing 0.93 acres adjacent to Flamingo Road, from: A-1, Agricultural District to B-3, Planned Business Center District, was approved on December 5, 2000.

The variance, V 1-1-00, reducing minimum lot size and depth of the B-3, Planned Business Center District, to rezone 0.93 acres adjacent to Flamingo, and to reduce the minimum building separation for two (2) locations on Flamingo Commons Parcel A, was approved on March 6, 2000.

The vacation, VA 3-1-00, vacating an easement between the ICE Plat and ICE II Plat, was approved on May 17, 2000.

<u>Plat History:</u> The plat, 12-1-95, ICE Plat, was approved by Town Council on April 2, 1996, and was subsequently recorded in Plat Book 165, Page 21, of the official records of Broward County on July 8, 1998.

The plat, 12-2-99 ICE II Plat, was approved by Town Council on June 21, 2000, and was subsequently recorded in Plat Book 170, Page 136, of the official records of Broward County on November 6, 2001.

Traffic Concurrency Agreements: A traffic concurrency agreement related to the ICE Plat was approved by Resolution No. R-96-397, on December 12, 1996, but was not approved by the other contracting parties.

A traffic concurrency agreement related to the ICE Plat was approved by Resolution No. R-97-436, on December 17, 1997.

An amendment to a traffic concurrency agreement related to the ICE Plat, was approved by Resolution No. 98-013, on January 7, 1998.

An agreement for the provision of a lien for the security to secure the required subdivision improvements for the ICE Plat was approved by Resolution No. 98-197, on June 30, 1998.

Delegation Requests: The delegation request, DG 7-1-97, was approved by Resolution No. 97-277, to revise certain openings and associated turn lane configurations, on August 20, 1997.

The delegation request, DG 7-2-99, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: 210,000 square feet of commercial use", was approved on September 1, 1999. This request was not approved by Broward County.

The delegation request, DG 11-1-99, for an 80' opening on Flamingo Road (to support right turn in and right turn out) centered 110' south of the east 1/4 section line of Section 26-50-40 was approved on December 1, 1999 (Resolution No. 99-359). The ICE Plat was originally approved with a 60' access opening (to support right turn in and right turn out) centered 110' south of the east 1/4 section line of Section 26-50-40, but upon recording the plat the opening was deleted by the applicant.

The delegation request, DG 9-3-01, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: "110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of commercial use on Parcel A-2, and 90,000 square feet of commercial use on Parcel A-3", was approved on December 4, 2001. This request was not approved by Broward County.

The delegation request, DG 8-1-02, to authorize a revision to the restrictive note from: "This plat is restricted to 300,000 square feet of commercial use"; to: "This plat is restricted to 110,000 square feet of commercial use on Parcel A-1, 100,000 square feet of mini-warehouse use on Parcel A-2; and 90,000 square feet of commercial use on Parcel A-3", was approved on August 21, 2002.

Site Plan History: The site plan, SP 12-9-99 Flamingo Commons, for a 28 acre joint venture master plan, designed for office/retail use, was approved on March 15, 2000.

The site plan, SP 6-2-00 Flamingo Petroleum, for 7,050 square feet of gas station, carwash, and retail on Flamingo Commons Parcel B, was approved on February 21, 2001.

The site plan, SP 6-5-01 Shoppes at Flamingo Commons, for a 23,245 square foot retail plaza on Parcel C, was approved on October 3, 2001. No construction permit was secured and the site plan expired.

The site plan, SP 10-2-01 Stor-All, for a 91,061 square foot mini-warehouse on Flamingo Commons Parcel D, was approved on March 19, 2002.

The site plan, SP 7-2-02 Blockbuster Plaza, for an 11,498 square foot retail plaza on Flamingo Commons Parcel A, was approved on November 20, 2002.

The site plan modification, SP 9-3-03 Blockbuster Plaza, to change the landscape planter area and retail bay configuration, was approved on September 25, 2003.

The site plan, SP 4-3-04 Montessori Institute of Broward, for a private school on Flamingo Commons Parcel F, was approved on November 3, 2004.

The site plan, SP 5-8-04 Strike Zone Plaza for bank and multi-tenant building, was approved on December 15, 2004.

The site plan, SP 6-8-04 Flamingo Commons Parcel G for a 31,750 square foot office building, was approved on February 2, 2005.

Applicable Codes and Ordinances

§12-24 (J) (6) of the Land Development Code, Planned Business Center (B-3) District. The B-3 District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for a business area to meet the shopping and service needs of large sections of the town or metropolitan areas. Such business generally requires considerable ground area, do not cater directly to pedestrians, and need a conspicuous and accessible location convenient for motorists.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The request is to amend the ICE Plat in order to provide Flamingo Stor-All, Ltd a delineated parcel on the plat. Two (2) previous attempts have failed because the owner was unable to obtain the authorization signatures from all property owners within the plat prior to the expiration of the approval by the Broward County Board of County Commissioners. Now, Broward County has an alternate plat note amendment process that can occur without the authorization signatures from all property owners within the platted area.

When the owner acquired the 3.315 acre site, the development rights to 100,000 square feet of commercial use were also purchased. Because the plat is limited to commercial use and the owner was unable to amend the plat to match the use, Broward County required that impact fees for the gross building area, which includes canopies and overhangs, of 92,685 square feet of commercial use be paid prior to obtaining a building permit. Self-storage facility use has a lower traffic generation rate than commercial use and when the amount commercial use is converted to self-storage use, the result is that the owner has a 29,574 square foot surplus in commercial development rights.

Staff Analysis/Findings of Fact

By delineating the parcel, the owner Flamingo Stor-All Ltd. will be free of any encumbrances associated with the remainder of the ICE Plat, and for the purposes of development rights, the ICE Plat will consist of two (2) parcels; Parcel A and Parcel A-1. The owner acknowledges that the parcel cannot support an additional 29,574 square feet of commercial use and has only made this request to retain development rights in the event of future redevelopment of the site.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Exhibits

- 1. Justification
- 2. Plat
- 3. Future Land Use Plan Map
- 4. Zoning and Aerial Map

Prepared by:	Reviewed by:



222 LAKEVIEW AVENUE SUITE 800 WEST PALM BEACH, FLORIDA 33401-6112

> (561) 838-4542 FAX: (561) 514-3442 KIM.GLASCASTRO@RUDEN.COM

Ice Plat - Note Amendment

Flamingo Stor-All, Ltd, property owner and applicant, requests a Delegation Request to amend the notation on the Ice Plat (the "Plat"). The current notation restricting uses on the properties within the Plat, generalizes that the entire plat is approved for 300,000 s.f. of commercial use. The Applicant desires to delineate its parcel and specify the self-storage use. The requested plat note modification would read as follows:

Current Note:

This Plat is restricted to 300,000 square feet of Commercial use.

Proposed Note:

This Plat is restricted to 200,000 square feet of Commercial use on Parcel A; and 92,685 square feet of self-storage use and 29,574 square feet of Commercial use on Parcel A-1 (see attached description.)

There are eight property owners within the Plat. The proposed note amendment will allow the Applicant to have a delineated parcel on the approved plat, and be free of encumbrances from the other (un-delineated) parcels within the Plat. The note amendment will better describe the approved use on the Applicant's property, and its future potential by virtue of the development rights that were acquired with the property.

The Town had approved similar delegation requests in 2001 and 2002 (Resolutions R-2001-345 and R-2002-197). While this plat note amendment had been approved by the Board of County Commissioners, the approval expired when the Applicant was unable to obtain the signatures of all property owners within the Plat on the necessary agreements. With the current request, the Applicant will be undertaking Broward County's alternate procedures, which is now available for situations when all property owners within a plat cannot/will not execute an agreement.

The Applicant paid road impact fees to Broward County for 92,685 square feet of commercial use, although the actual improvement was a self-storage facility that has a lower trip generation rate than typical commercial uses. The proposed note amendment represents an equivalent amount of traffic trips for the Applicant's property, and the Plat as a whole (1297 peak hour trips).

WPB:192999:3

RUDEN, McCLOSKY, SMITH, SCHUSTER & RUSSELL, P.A.

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The Applicant acknowledges that there is not adequate room on its property to build and additional 29,574 s.f. of commercial space. Retaining the use entitlement, however, will provide flexibility for future redevelopment. In the event that the self-storage use is not economically feasible, the property could be redeveloped with a commercial use, up to 100,000 s.f. , consistent with the original use entitlements.

A brief summary of the use entitlements follows:

The Applicant acquired 3.32 acres of the Ice Plat in 2002. Along with the land, the Applicant purchased 100,000 s.f. of commercial entitlement. The Ice Plat was (is) approved for 300,000 s.f. of commercial use; therefore, the Applicant purchased 1/3 of the vested use.

After site plan approval for \pm 91,061 s.f. of self-storage use by the Town of Davie, and as a prerequisite to issuance of a building permit, the Applicant paid Broward County road impact fees. The County collected on 92,685 s.f. of "commercial" use. The proposed self-storage building was calculated at commercial rather than self-storage rates because of the plat note restricting the use to commercial uses. The gross building area was calculated under County definitions, which included overhangs and entry canopy.

The proposed note amendment converts the 92,685 s.f. of commercial use (County building area definition) to self-storage use. Self-storage has a less intense traffic generation rate than commercial use. In the conversion from commercial to self-storage, there are commercial trips (use entitlement) that will be retained by the Applicant, but the proposed note amendment represents an equivalent amount of traffic trips for the Applicant's property, and the Plat as a whole (1297 peak hour trips).

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1297 total trips vested for Ice Plat
Balance of PLAT = Parcel A: 200,000 s.f. commercial use
= 992 PM peak hour trips (pht)

Stor-All = Parcel A-1 - 100,000 s.f. commercial use converted to:
92,685 s.f. self-storage use = 24 pht
29,574 s.f. commercial use = 281 pht
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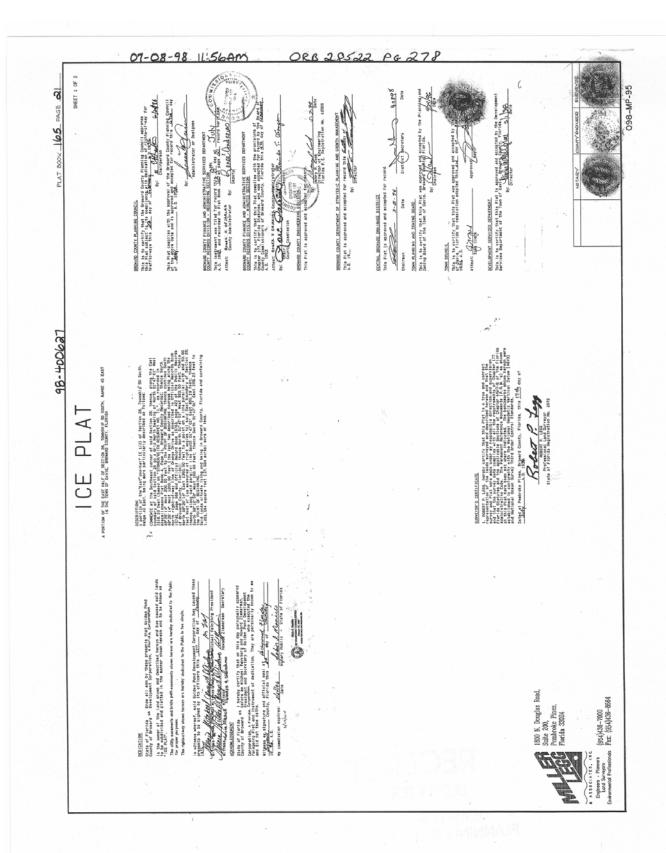
992 + 24 + 281 1297 pht (Ice Plat vested trips)

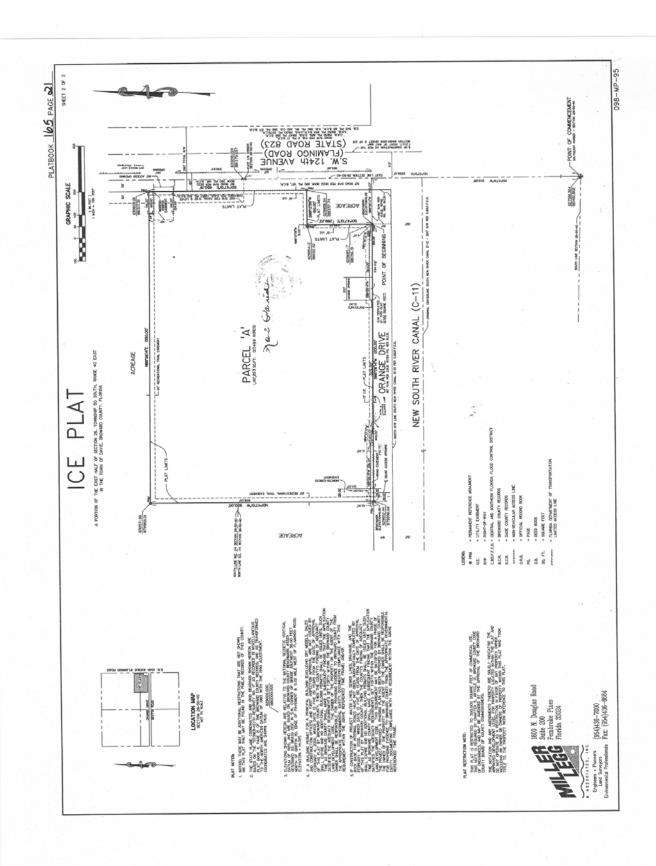
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¹ This would require a subsequent plat note amendment to convert the self-storage use back to commercial use.

WPB:192999:3





DESCRIPTION: (PARCEL A-1)

A PORTION OF PARCEL'A', "ICE PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 165, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

Commence at the east one-quarter (E %) corner of section 26, township 50 south, range 40 east;

THENCE SOUTH 89°43'56" WEST ON THE SOUTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 26, A DISTANCE OF 320.04 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 01°47'20" EAST 125.83 FEET;

THENCE SOUTH 06°11'48" WEST 2.30 FEET:

THENCE SOUTH $88^{\circ}12'40"$ WEST 87.12 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTH;

THENCE WESTERLY ON THE ARC OF SAID CURVE HAVING A RADIUS OF 205.00 FEET, THROUGH A CENTRAL ANGLE OF 32°41'44" AN ARC DISTANCE OF 116.98 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 55°30'56" WEST 86.60 FEET;

THENCE NORTH 01°47'01" WEST 593.35 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID PARCEL 'A', "ICE PLAT";

THENCE NORTH $88^{\circ}26'14''$ EAST ON SAID NORTH LINE OF PARCEL 'A', "ICE PLAT", A DISTANCE OF 271.00 FEET;

THENCE SOUTH 01°47'20" EAST 384.91 FEET OF THE POINT OF BEGINNING.

SAID LANDS LYING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA AND CONTAINING 144,415 SQUARE FEET (3.315 ACRES) MORE OR LESS.

NOTE:

SEE SHEETS 2 AND 3 OF 3 FOR SKETCH.

DEC 03 2004 OWN OF

SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY

CERTIFIED TO:

RUDEN McCLOSKY

RUDEN MCCLOSKY

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL PROFESSIONALS
1600 N. DOUGLAS ROAD, SUIT 2004
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THEREBY CERTIFY THAT THIS SECTION MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURFEYNES AND MAPPERS IN CHAPTER SIGN.7—6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

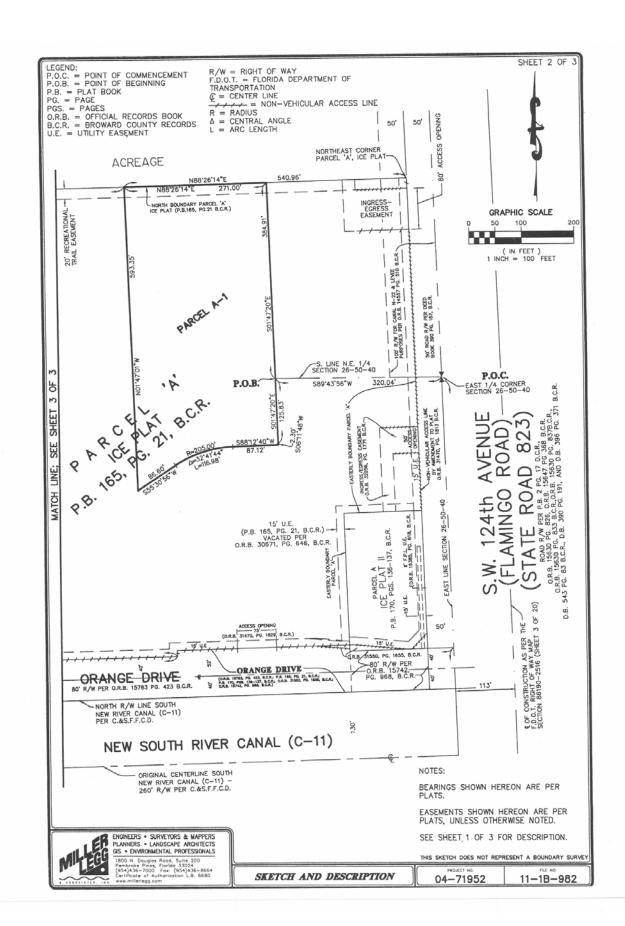
DATED THIS 12th DAY OF NOVEMBER, 2004 A.D.

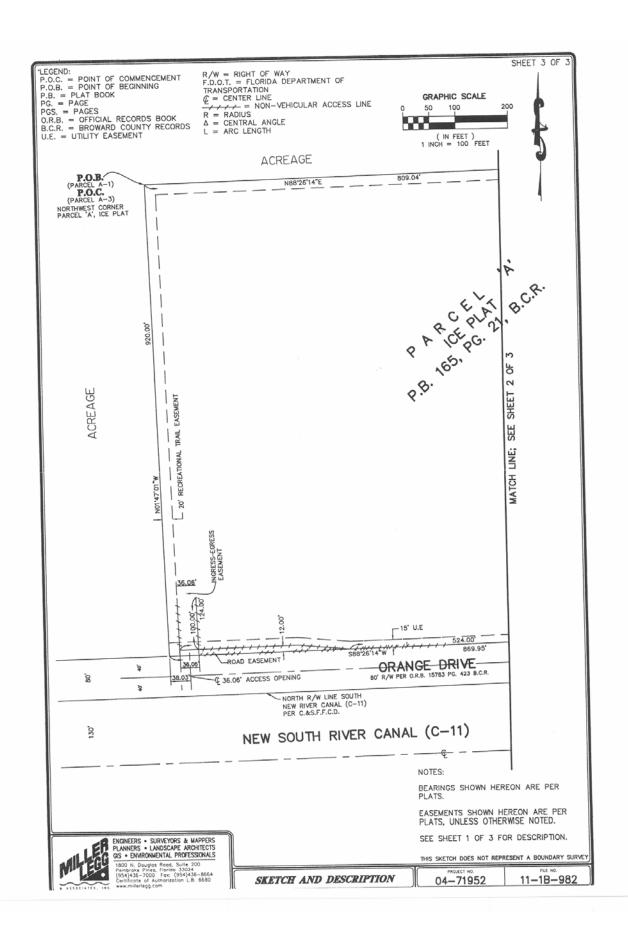
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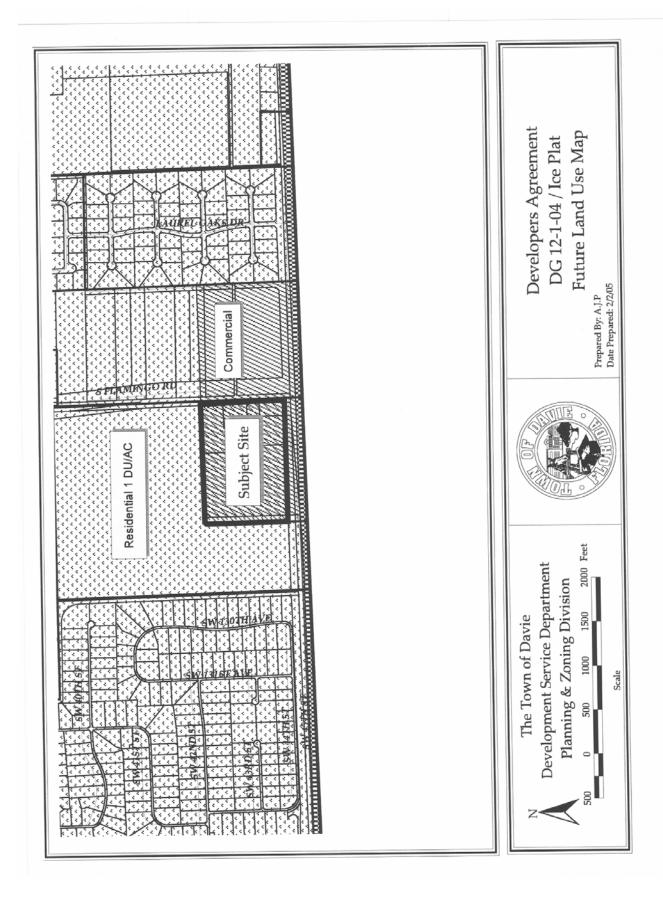
PROFESSIONAL SURFEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION NO. 5857
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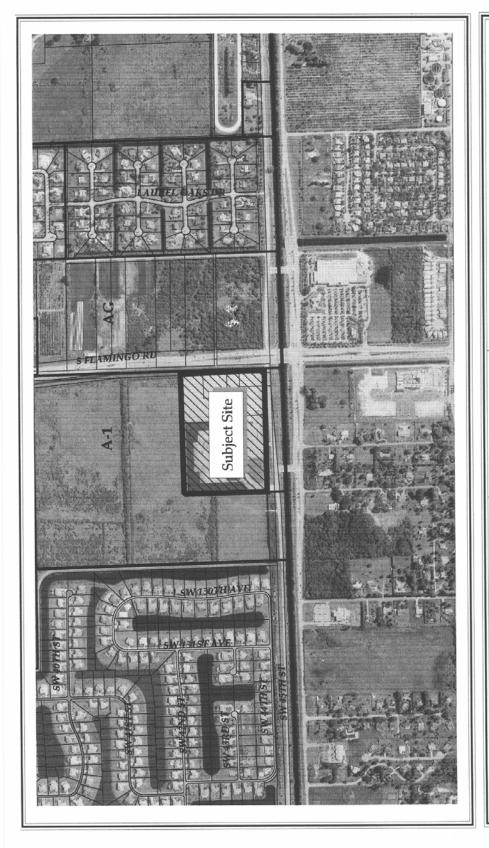
PROJECT NO. 04-71952

11-1B-982









Developers Agreement

DG 12-1-04 / Ice Plat

Aerial, Zoning, and Subject Site Map

Prepared By: A.J.P.
Date Prepared: 2/2/05

